

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-10917 PBS

THE HIPSAVER COMPANY, INC.,  
Plaintiff / Counterclaim Defendant,

V

**J.T. POSEY COMPANY,**  
**Defendant / Counterclaim Plaintiff.**

**HIPSAVER’S ASSENTED-TO MOTION TO FILE UNDER SEAL  
EXHIBIT 1 TO HIPSAVER’S MEMORANDUM IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT TO DISMISS  
J.T. POSEY’S COUNTERCLAIMS**

Pursuant to Local Rule 7.2 and paragraphs 2.4 and 10 of the parties' Protective Order [D.N. 48], HipSaver moves for an order granting leave to file under seal Exhibit 1 to HipSaver's Memorandum in Support of Its Motion for Summary Judgment to Dismiss J.T. Posey's Counterclaims, filed concurrently by hand.

As grounds for the motion, HipSaver states that Exhibit 1 contains Mr. Creighton Hoffman's Expert Damages Report, designated by Defendant J.T. Posey as HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY.

**CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1**

I hereby certify that on December 4, 2006, counsel for the parties conferred by electronic mail and that counsel for J.T. Posey assented to this motion.

THE HIPSAVER COMPANY, INC.  
By its Attorneys,

/s/ Courtney M. Quish  
Lee Carl Bromberg  
BBO No.: 058480  
Edward J. Dailey  
BBO No.: 112220  
Courtney M. Quish  
BBO No.: 662288  
BROMBERG SUNSTEIN, LLP  
125 Summer Street - 11th floor  
Boston, Massachusetts 02110-1618  
617.443.9292  
[cquish@bromsun.com](mailto:cquish@bromsun.com)

Dated: December 11, 2006

**CERTIFICATE OF SERVICE**

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish  
December 11, 2006